



01997.014000.

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
: Examiner: Stephanie W. Zitomer
Gordon G. Wong et al.)
: Group Art Unit: 1634
Application No.: 09/822,849)
:
Filed: March 29, 2001)
:
For: POLYNUCLEOTIDES ENCODING)
NOVEL SECRETED PROTEINS : August 2, 2002

Commissioner for Patents
Washington, D.C. 20231

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RESPONSE TO RESTRICTION REQUIREMENT

Sir:

Applicants respond to the Official Action dated July 12, 2002 (Paper No. 4)
in the above-identified application, as follows.

REMARKS

In the outstanding Office Action, the Examiner required that Applicants
elect for prosecution one of the inventions among (unnumbered) Groups I - XI for the
reasons noted.


In response, Applicants hereby elect to prosecute the invention of Group I
(invention 1-592), namely Claims 1-6¹.

^{1/} The Examiner also requested that Applicants identify a SEQ ID No: within the
edited group as an accuracy check. In response, Applicants hereby identify SEQ ID
No. 1.

Applicants wish to point out to the Examiner the Commissioner's Official Gazette Notice of March 4, 1996 "Guidance on Treatment of Product and Process Claims" which addresses the issue of processes "limited to making or using a nonobvious product" and stated that claims to the nonelected process should be rejoined when a product claim is found allowable and the withdrawn process contains all the limitations of an allowed product claim.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lawrence S. Perry", with a long horizontal flourish extending to the right.

Attorney for Applicants
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Registration No. 31,865

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